Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5605 OF 1990
IN
SECOND APPEAL (ST.) 29159 OF 1990

Yesubai Antu Ingale ...Applicant
V/s.
Joti Sataba Ingale, Deceased, .
Thru' Chandrabai Joti Ingale & Ors. ...Respondents

Mr.M.R. Katikar, Advocate, for the Applicant.

Ms.Poonam Kandale, Advocate, i/b. Mr.M.S. Lagu, for the Respondents.

CORAM : ABHAY S. OKA, J.
DATE : 16TH OCTOBER, 2007.

P.C. :

1. As per the office noting, the Civil Application stands dismissed against Respondent Nos.3a, 4a to 4c and 7 as well as against Respondent Nos.6e and 6f. Rest of the respondents have been duly served with the notice.

2. The delay is in preferring a Second Appeal. The Second Appeal arised out of a decree of partition passed by the Trial Court. Even if delay is to be condoned, in view of dismissal of the application for condonation of delay against several respondents, the Appeal itself will not survive.

3. Even otherwise there is hardly any explanation for delay of 260 days. Hence the Civil Application is rejected.

[ABHAY S. OKA, J.]